United Nations CEDAW/C/CHE/4-5

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 June 2015
English
Original: French

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Combined fourth and fifth periodic reports of States parties due in 2014

Switzerland*

[Date received: 25 February 2015]

Note: The present document is being distributed in English, Spanish and French only.
*The present document is being issued without formal editing.

15-08717 (E) 020615 300715

Please recycle

Contents

	Page
Abbreviations	41
I. Introduction	4
II. Progress made and challenges encountered in the implementation of the Convention	4
Articles 1 to 4 of the Convention – General commitments to combating discrimination and to the advancement of women	4
Enhanced political commitment	4
Ongoing work of equality institutions	5
Growing importance of CEDAW in administrative and legal practice	6
Gender mainstreaming	7
Taxation	8
Gender budgeting	9
Measures for promoting equality between women and men	9
Enhancement of statistical data on equality	10
Combating discrimination against foreign women and other categories of women	10
Art. 5 Stereotypes	11
Art. 6 Trafficking in women and exploitation of prostitution	13
Trafficking in persons	13
Measures taken in the sex industry and in particular the status of foreign cabaret dancers	14
Combating violence against women	14
Domestic violence	14
Forced marriage	17
Genital mutilation	18
Art. 7 Political and public life	18
Art. 8 Representation and participation at the international level	19
Art. 9 Nationality	20
Art. 10 Education	20
Art. 11 Working life (thematic priority)	23
Professional activity and employment status	23
Equal pay for equal work	28
Work/family balance	31
Social security	35
Art. 12 Health	36

Art. 13 Other areas of economic and social life 37
Equality and poverty 37
Art. 14 Rural women 38
Art. 15 Equality before the law 38
Art. 16 Issues arising from marriage and family relations 39
Changing family forms 39
Reform of naming law and withdrawal of the reservation 39
New features relative to the consequences of divorce 39

I. Introduction

1. The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) entered into force for Switzerland on 26 April 1997. This report constitutes the combined fourth and fifth reports of Switzerland due to be submitted to the Committee in 2014.

2. This periodic report focuses on changes and trends observed over the last few years and the measures taken since 2008. The limited framework laid down by the Committee required us to focus on important new elements and essential topics, especially in the areas mentioned by the Committee in its 2009 recommendations. Accordingly, the combined fourth and fifth reports give priority to the current situation and the employment measures taken (CEDAW art. 11). In the areas of violence and migration, however, the report is limited to new developments since the 2012 interim report, which dealt with those areas.

3. The constitutional division of powers in areas relevant to gender equality is inherent in the federal structure of Switzerland and is therefore reflected in this report. Few matters are within the sole jurisdiction of the Confederation: most of those addressed here are at least partly within the cantons' jurisdiction. The Conference of Cantonal Governments (CCG) and several conferences of cantonal directors working on issues particularly relevant to equality (the Conference of Cantonal Ministers of Social Affairs, SODK; Conference of Cantonal Health Directors, GDK; and Conference of Cantonal Directors of Finance, FDK) have played a central role in the information gathering process in the cantons. Thus, it has been possible to provide an exemplary overview of the situation in the cantons. Moreover, this report has had the advantage of a new system for monitoring the measures taken within the federal Government and the progress made by the Federal Statistical Office (FSO) in the collection and processing of relevant statistical data.

4. The combined fourth and fifth reports set out the progress made and the challenges encountered in the implementation of the Convention article by article. A statistical annex presents data on indicators of particular interest for the implementation of the Convention.

II. Progress made and challenges encountered in the implementation of the Convention

Articles 1 to 4 of the Convention – General commitments to combating discrimination and to the advancement of women 4

Enhanced political commitment

5. Parliament has adopted its 2011–2015 Legislature Plan which, for the first time, contains a guideline devoted to equality between women and men. Work is to proceed along a number of lines: bolster measures to combat wage discrimination and domestic violence; promote growth in the proportion of women in MINT sectors; observe the changing representation of women on corporate boards of directors; and increase the presence of women among senior officials of the federal government and directors of enterprises owned by or associated with the Confederation.

6. Seven monitoring indicators in the Legislature Plan authorize the Federal Council to audit the results obtained in the equality field.[1] Since it is explicitly enshrined in the legislature's objectives, the gender equality issue has greater presence and transparency in the Confederation's official reporting system: it has since 2013 been included in the Federal Council's annual objectives and management report.

7. The action plan "Equality between Women and Men" was adopted by the Federal Council in 1999 to implement the Beijing Declaration and Platform for Action; it was designed as a working tool for the federal authorities and numerous other State and non-State actors at the national, cantonal and communal levels. In response to a parliamentary initiative, the Confederation arranged for a study to be done on the progress of the implementation of the action plan and published a review in October 2014 in Bern.

8. Seventeen cantons[2] have plans or strategies for the promotion of equality that are already in effect or pending. Where equality indicators are used, they are often similar and relate, for example, to sex ratios among staff members, the proportion of women executives, the relative wages of women and men, or the number of measures taken to facilitate family planning. Several cantons have equality datasets that have been internally compiled. e.g. by their statistical services.

Ongoing work of equality institutions

9. A unit of the Federal Department of Home Affairs (FDHA), the Federal Office for Gender Equality (FOGE) undertakes, as part of its mandate, the ongoing task of promoting gender equality in all spheres of life and eliminating all forms of discrimination, direct and indirect, against women. One of FOGE's principal lines of action is its emphasis on equal opportunity and equal pay for equal work in working life, legal equality, equitable distribution of tasks within the family, and the fight against violence in intra-couple relations. The Office does not concern itself with individuals but rather seeks structural changes, especially by means of awareness-raising. In order to give effect to the new legislative agenda on equality, two new positions have been created at FOGE specifically to step up the work on equal pay for equal work. A number of ministries and offices, such as the Federal Personnel Office (OFPER) and the Federal Department of Foreign Affairs (FDFA), have also called upon their internal services to promote gender equality.

10. The permanent mission of the Federal Commission for Women's Issues (EKF) is to work on all issues related to women in Switzerland and gender equality. and to observe and analyse the evolution of policy in these two areas. In its consultations, it takes a stand on Confederation projects that could have an impact on gender equality and draws up recommendations. It seeks to ensure that politicians, the authorities and public opinion are informed and aware. Each issue of its journal *Frauenfragen* is taken up with a particular theme, such as the role of CEDAW in the Swiss legal system.

---

[1] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/00/10/blank/ind30.approach.3007.html.

[2] Appenzell Ausserrhoden, Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Geneva, Glarus, Jura, Lucerne, Neuchâtel, Obwalden, St. Gallen, Schwyz, Solothurn, Valais, Zug, Zurich. See in particular the action plans of the cities of Zurich: https://www.stadt-zuerich.ch/gleichstellungsplan, and Bern: www.aktionsplan.bern.ch.

11. Almost all cantons[3] and a few large cities have an entity that deals with equality issues, with varying mandates. Some have an office or an advisory board. The Swiss Conference of Gender Equality Delegates (SKG), to which all equality offices of the Confederation and the cantons and communes belong, currently has 17 member cantons[4] and 5 member communes.[5] SKG supports, coordinates, plans and carries out national-level activities to ensure that a consistent long-term equality policy is applied. Some cantonal or communal administrative services also deal with gender issues in a specific policy area, for example education and training or human resources. The resources currently allocated to equality bodies vary greatly between the cantons and communes.

12. The Swiss Centre of Expertise in Human Rights (SCHR) was founded in autumn 2010 under the auspices of the Confederation, which is financing its current five-year pilot phase. SCHR is a service centre whose mandate is to encourage and facilitate fulfilment of the nation's international human rights obligations at every level of the Confederation. It focuses on six thematic areas: migration, police and justice, gender policy, childhood and youth policy, institutional issues, economy and human rights.

Growing importance of CEDAW in administrative and legal practice

13. FOGE and FDFA use different channels to ensure that the public is informed and aware of the Convention's crucial importance to gender equality. The Convention and the Committee's concluding observations, as well as the reports of Switzerland, are published in French and German on the FOGE and FDFA websites.. Information is also available, in particular to cantonal authorities, through the Conference of Gender Equality Delegates. Some cantons[6] also report that they are striving to keep the executive branch, the legislature and the judiciary at least, through a number of channels, of information on the Convention and its implementation as well as the Committee's recommendations.

14. An interdepartmental working group was created under FOGE to support the implementation of the Committee's recommendations within the federal government. It has drawn up an internal action plan for the administration that sets out its objectives and priorities, identifies actions to be taken and ensures regular monitoring of the implementation of Convention commitments.

15. In its 2011 ruling on an appeal against the decision to abolish the equality commission of the canton of Zug, the Federal Supreme Court explicitly looked at the question of what Convention obligations were binding on the cantons. While the Court ended up dismissing the appeal, it did examine in detail the cantonal bureaus' obligations arising from the equality provision in the Constitution and the prohibition of discrimination grounded in international law, holding that article 8, paragraph 3, sentence 2 of the Federal Constitution implies a 'social planning mandate' aimed at eradicating stereotypes and discriminatory structures. Public authorities do, however, have wide latitude regarding the choice of means to achieve that goal (pt 3.1). The Court further demonstrated that CEDAW 'makes tangible and

[3] With the exception of Zug and Nidwalden.

[4] Appenzell Ausserrhoden, Aargau, Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Geneva, Graubünden, Jura, Lucerne, Neuchâtel, Obwalden, St. Gallen, Ticino, Valais, Vaud, Zurich.

[5] Bern, Geneva, Lausanne, Zurich, Winterthur.

[6] Bern, Lucerne, Schwyz, Obwalden, Glarus, Solothurn, Basel-Landschaft, Thurgau, Valais, Geneva and Jura.

perfects' the mandate of ensuring equality, defined in very general terms in article 8, paragraph 3 of the Constitution. It ruled on the issue of whether that constitutional provision, together with the Convention, created a duty of concrete action for the cantonal Parliament of Zug (pt 3.3). Given that equality between women and men is not an effective reality, the Court observed that measures must be taken, in particular in the canton of Zug. While the canton was not under any absolute obligation to create an equality commission or office, it was required to find an alternative. Omitting any State measures would in the Court's view be unconstitutional (pt 5.5). Finally, the Federal Supreme Court analysed in detail the country's obligations arising from article 2(a) of CEDAW and from the Committee's concluding observations and recommendations on the periodic report of Switzerland (pt 6). It found that all levels of government—i.e., not just the Confederation, but also all cantons—were required to apply the Convention and to take the requisite organizational measures for that purpose. They must have entities endowed with the specific knowledge, areas of expertise and resources necessary to fulfil the mission imposed by the Convention. On the other hand, even taking into account the Committee's recommendations, the Convention does not imply any mandatory requirement for implementation of a particular organizational structure (pt 6.6).[7]

16. One of the objectives of the action plan developed by the working group monitoring the implementation of the Committee's recommendations within the federal administration is to raise awareness of the Convention's legal importance. That was the objective of the organization, by FOGE and SKG in October 2011, of a symposium on the opportunities and challenges posed by the implementation of CEDAW standards at the cantonal and communal levels.

17. EKF's priority in recent years has been to make lawyers aware of the Convention, so that the obligations it implies are more firmly rooted in the legal practice of Swiss courts and authorities. In 2012, it partnered with practising women lawyers on the development of an online guide to CEDAW for the legal profession.[8]

18. The limited implementation of the Convention in legal practice in Switzerland may be partly explained by the paucity of legal publications on the subject in French or German. Accordingly, FOGE has provided financial assistance and a substantive contribution to the preparation of a German-language commentary on CEDAW, to be released in early 2015.

19. The fight against discrimination is also an important topic in fields other than gender. The Confederation has decided to make a finer-grained analysis of existing anti-discrimination standards and undertake a study on access to justice in discrimination cases. As regards gender discrimination, the study will focus on the following areas: discrimination on account of pregnancy and motherhood, discrimination in connection with domestic violence, discrimination based on sexual orientation, discrimination against transgender people, and multiple forms of discrimination. The study should be available in 2015.

Gender mainstreaming

20. Incorporation of an equality perspective in all policy areas is a focus of discussion at the federal and cantonal levels. The federal government is paying particular heed to equality in many of its areas of jurisdiction. Many examples are

[7] BGE 137 I 305.

[8] http://www.ekf.admin.ch/dokumentation/00596/index.html?lang=fr.

presented in the chapters on the corresponding provisions of the Convention: political participation, education and training, working life, health, migration, agriculture, marriage and family, etc. Moreover, most cantons [9] report on their concrete efforts to incorporate equality goals into other policy areas.

21. Gender-neutral language plays an important role in the effectiveness of the gender mainstreaming approach. The federal government, as well as certain cantonal and communal governments, is making a conscious effort to use non-sexist language. The Federal Chancellery's guide to non-sexist writing is systematically applied in reviewing official texts, including legislation, to verify their quality and intelligibility. The rules it contains are disseminated and recommended both within and without the federal government.

22. The federal government is currently considering how to improve the review of bills' consequences for gender equality, as required under article 141, paragraph 2(i) of the Parliament Act.

23. Switzerland also practises gender mainstreaming in its international cooperation endeavours. Thus, gender equality remains a priority thread in Swiss international human rights policy, while the gender aspect always plays an important role in the country's development assistance work. According to the position approved on 26 June 2014 by the Federal Council on a post-2015 sustainable development framework, Switzerland is actively working to make gender equality a goal in itself and to ensure that, through a cross-cutting approach, gender targets are integrated with other priorities.

Taxation

24. Fair taxation of married couples, cohabitants and persons living alone has been a subject of political debate for years, both at the federal level and in the cantons. The Federal Council has sought in-depth tax reform, and in 2007 conducted a survey on a revamped system for married couples whereby they would shift from joint to individual reporting. The survey responses showed that a tax reform for married couples was deemed necessary, but that opinions differed widely on the replacement model. Consequently, efforts will continue to focus on lower taxes for families with children.

25. The Federal Act on Tax Relief for Families with Children entered into force on 1 January 2011. To better take into account the cost of having children, the Act calls for a parental tax scale and a deduction for third-party childcare. Active parents who use outside daycare and households in which one parent provides childcare will as far as possible receive equal tax treatment, according to their economic capacity.

26. Despite the changes made in recent years, dual-income couples in higher tax brackets as well as retired middle- and upper-income couples are still at a disadvantage in direct federal taxation relative to cohabiting couples with comparable economic capacity. Moreover, the ratio between the tax burdens on single-income and dual-income couples is still considered somewhat unbalanced. In 2012, accordingly, the Federal Council circulated for consultation with cantons and associations a bill calling for rebalanced taxation of couples and families. But, as the proposals circulated met with a generally critical reception, the Federal Council

[9] Appenzell Ausserrhoden, Aargau, Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Glarus, Neuchâtel, Obwalden, Solothurn, Ticino, Thurgau, Valais, Jura, Vaud, Zug.

subsequently suspended the project. It instead recommended that Parliament accept the popular initiative "Für Ehe und Familie—gegen die Heiratsstrafe" [For Marriage and Family—No to Penalization of Marriage] it received in 2012 from the Christian Democratic People's Party, which calls for the 'marriage penalty' to be abolished with the enshrinement of joint taxation in the Constitution. Should that initiative be accepted by popular vote, it would become impossible to change to individual taxation without a further constitutional amendment.

27. All cantonal taxation legislation currently contains corrective mechanisms to ensure that married couples and families are taxed fairly. However, the types of relief provided are very varied. In order to avoid putting married couples at a disadvantage relative to cohabiting couples, most cantons have introduced full or partial splitting, while other cantons have a double scale. One canton (Vaud) uses a family quotient system: the tax rate is determined by dividing total income by a divisor that varies according to the number of dependants in the family. To take the cost of having children into account, the cantons chiefly apply a per-child deduction from the tax base, an insurance deduction for each dependent child, and a deduction for third-party childcare expenditures. Since 2013, the cantons have been required by federal law to allow the maximum deduction for third-party childcare expenditures.

Gender budgeting

28. The Federal Council has not been willing to implement a budget management model that respects gender equality ('gender budgeting'), as it deems the model's cost-utility ratio poor inasmuch as the Confederation's budget essentially serves a redistribution function.[10]

29. Some cantons have said that gender budgeting plays a certain role, for example in formulating objectives and designing indicators to guide financial policy.

Measures for promoting equality between women and men

30. This report presents the many and varied measures taken to promote equality between women and men in different areas where gender inequalities are found. FOGE financial assistance is a case in point. It is granted to institutions and companies that act to promote equality between women and men and to create family-friendly framework conditions in the world of work.

31. As in the European Union (EU), special temporary measures have been under study in recent years, especially in working life, owing to the serious underrepresentation of women on governing bodies in the economy and among senior government officials (see n. 109 on CEDAW art. 11).[11]

32. Special measures are also under discussion with respect to women's representation in the political decision-making process. Thus, a 30 per cent gender quota has been introduced for the membership composition of extra-parliamentary commissions. According to the 25 April 2011 report on the full renewal of extra-parliamentary bodies whose members were appointed by the Federal Council during

[10] http://www.parlament.ch/f/suche/Pages/geschaefte.aspx?gesch_id=20093706 and http://www.parlament.h&c/f/suche/Pages/geschaefte.aspx?gesch_id=20113060.

[11] Cf. SCHR: http://www.skmr.ch/frz/domaines/genre/nouvelles/quotas-femmes-hommes.html?zur=91.

the 2012–2015 period,[12] women hold 31 percent of the seats overall. Men account for at least 30 per cent of the membership of the 120 commissions, while women are underrepresented on 55 of them. Moreover, a working group mandated by the Federal Council has developed a set of measures to correct this.[13]

33. To call attention to the greater risk of discrimination run by women with disabilities, on the occasion of Human Rights Day, 10 December 2013, the Federal Bureau for the Equality of Persons with Disabilities (FBED) released a report on the situation of women with disabilities in various areas of life: education and training, access to paid employment, health, advocacy, and media representation. The particular focus of the report, which recalls that Switzerland acceded to the United Nations Convention on the Rights of Persons with Disabilities on 15 April 2014, is promotion of the gender perspective. It points up shortcomings, lists particularly vulnerable categories of women, and makes numerous recommendations for action in the fields in question.[14]

Enhancement of statistical data on equality

34. FSO continually strives to refresh and expand the statistics on gender equality. In recent years, it has significantly expanded its range of data on violence against women and the situation of foreign women. Within the limits of available resources, new indicators have also been put online on the Swiss statistics website, for example on domestic violence.[15] Other indicators are in preparation. Pursuant to guideline 7 of the current Legislature Plan, equality indicators are now part of the legislative monitoring included in FSO's mandate.[16] FSO has also released a new version of its brochure on the current situation of gender equality and developments in that regard, with updated information on training, professional activity, work/family balance, unpaid work, wages, poverty, domestic violence and participation in political life. It points up the progress made and the shortcomings that remain.[17]

Combating discrimination against foreign women and other categories of women

35. As was detailed in the progress report, the integration policy of Switzerland is grounded in a number of principles: to give foreign nationals, both women and men, equal opportunities to participate in the life of the nation, to develop their potential, to respect their diversity and work for their empowerment. Foreign women in particular meet with many difficulties, such as communications and the language barrier, gender role stereotypes, and difficulty in having their training recognized. The Federal Council is taking concrete action to address these problems through measures taken to encourage the integration of foreign women and men and protect them from discrimination (integration plan).

36. FSO has developed a set of indicators to gauge integration, which pertain to numerous aspects of life, such as social assistance and poverty, culture, religion, the

[12] http://www.admin.ch/bundesrecht/ko/index.html#sprungmarke10_36.
[13] http://www.admin.ch/bundesrecht/ko/index.html#sprungmarke10_36.
[14] http://www.edi.admin.ch/ebgb/.
[15] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/08/01.html.
[16] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/00/10/blank/ind30.approach.3007.html.
[17] FSO, On the Way to Gender Equality: Current Situation and Developments, Neuchâtel 2013 (hereinafter "On the Way to Equality": http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/22/publ.html?publicationID=5213.

media, education and training, the family and demography, language, housing, the labour market, politics, health, crime, security, racism and discrimination. Monitoring of integration is done in order to gauge opportunities for access to and participation in the various areas of life in society. According to the wealth of findings published recently, participation in the labour market and use of the national languages vary greatly depending on whether the persons concerned are or are not of immigrant stock, but also on gender.[18] The evaluations are used in the context of the Federal Council's integration plan to take a more focused approach to the integration of foreign women, to identify and combat the indirect discrimination they are subject to and to guard against the risk they run of triple discrimination—on account of their gender, their religion and their migrant status.

37. In the context of Swiss integration policy, the Federal Council has established a consistent integration incentive system at the national level. Since 2014, all cantons have established cantonal integration programmes (PICs), which aim, in particular, to supply newcomers with better basic information. Already today the basic information brochures of most of the cantons and the Confederation set out the principles of equality between women and men in effect in Switzerland. The Federal Council wishes to improve the information strategy so as to achieve sustainable integration. The Confederation's integration policy will continue to rely on the ordinary structures of a tried and true system: the work of integration must be done primarily through training, employment and neighbourhood life.

38. Today, all cantons have accessible structures, taking various forms, regardless of the applicant's gender. In their integration programmes the cantons are required to consider the risk of discrimination against male and female foreign nationals and emphasize enhanced protection against discrimination. As anti-discrimination measures too must be implemented through the ordinary administrative machinery, they benefit all categories of the population subject to discrimination based on one or more factors, such as skin colour, name, religion, lifestyle, sex or other socioeconomic characteristics.

39. Among the programme highlights in 2008–2014 were many innovative activities and counselling and support programmes that largely benefit women. A large part of the CHF 8 and 13.4 million allocated to language learning in 2012 and 2013 respectively went to women with children. Early support programmes for migrant children and parental responsibility programmes also received funding. In 2013, the Tripartite Conference on Urban Areas (CTA, a political platform of the Confederation, the cantons and the communes) launched a dialogue on integration on the theme "A healthy life from birth onwards". Recommendations were drawn up with the overall objective of improving the health of mothers and children of immigrant stock. All participants in the dialogue are now working on concrete projects to implement those recommendations. In that way, development of the country's integration policy is giving rise to work on equality of opportunity and the elimination of discrimination, against migrant women in particular.

Art. 5 Stereotypes

40. Even though gender roles are continually changing and sex is only one of many factors influencing individuals' roles in society, gender stereotypes remain a problem. EKF devoted the 2011 issue of its journal *Frauenfragen* to changing

[18] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/ind43.html.

gender roles. In its November 2013 issue, the journal examined to what extent sexism in the world was linked to role stereotypes and the balance of power between women and men.

41. A number of gender equality initiatives taken by the Federal Government have the direct or indirect effect of combating gender stereotypes: for example, the Federal Chancellery's efforts to use gender-neutral language. Training, and especially vocational training, is very important in that regard, as vocational choices are often imbued with gender stereotypes. Being keenly aware of that, the State Secretariat for Education, Research and Innovation (SERI) has begun to analyse—in order to combat them—the use and discriminatory consequences of stereotypes in legislation and jurisprudence in the fields of training and work. Care has therefore been taken to avoid gender stereotypes in some thirty training ordinances now in effect and the twenty or so examination regulations that have been approved.

42. Public schools too address the issue of gender stereotypes in a number of ways. A joint project of the equality offices and public education departments of the French-speaking cantons, the 'school of equality' project, has since 2006 been conducting an awareness activity by offering teachers background documentation and teaching tools. In 2010, the canton of Geneva published a series of teaching tools and documents called "Dispelling Clichés".[19] Other cantons too are helping, through analysis, continuous training,[20] information campaigns[21] and publications, to raise awareness among school principals and teachers.[22]

43. The media, where women are still very clearly underrepresented, are another important channel for perpetuating—or combating—gender stereotypes. Since 1995, the Global Media Monitoring Project (GMMP) has been doing a five-yearly gender perspective analysis of the daily news published or broadcast worldwide. The analysis covers data gathered in a single day and thus provides a snapshot of the work the media are doing. The three main linguistic regions of Switzerland have for the first time contributed to a GMMP edition—the fourth—which sampled the news produced by the media on one typical day (10 November 2009). As appears in the supplementary report on Switzerland, women are still underrepresented among the persons quoted or interviewed (22 per cent). In the daily media, only 34 per cent of the news broadcast is written by women. In 2010 and 2013, the "Women & Media" prize of the French-speaking cantons' equality offices was awarded to journalists working to advance the debate on gender equality out of a concern for professional ethics.

One element of the measures taken under the Swiss policy of incentives for integration in collaboration with the cantons pertains to the fight against stereotypical views of the roles of foreign women. It includes projects to encourage language learning based on practical needs, protection against discrimination, encouragement of children and support for parents, the fight against forced marriages, mentoring projects in vocational training, and pilot projects for the recognition of the training taken by refugees benefiting from temporary admission.

[19] http://www.egalite.ch/balayons.html.

[20] The canton of Bern, for example, has integrated a gender module into school principals' training.

[21] www.nationalerzukunftstag.ch.

[22] http://a-m-v.ch/Dokumente/amv_heft/amv_heft_2013.pdf.

Art. 6 Trafficking in women and exploitation of prostitution

Trafficking in persons

44. In Switzerland, the main purpose of trafficking in human beings is the sexual exploitation of women. In recent years, the number of investigations and verdicts on trafficking in human beings has been growing, as inter-cantonal and international cooperation has become much greater. Even now, in Switzerland, cases of human trafficking with the aim of exploiting the victims' labour rarely give rise to prosecution, which suggests that the offence remains hidden. Police investigations would indicate that the following sectors are particularly vulnerable to this form of exploitation: care, housekeeping, agriculture, and hotels and restaurants. The measures taken against human trafficking for the exploitation of labour are focused on preventive legislation such as the Federal Act on Illegal Employment and the legislation on wage dumping.

45. At the federal and cantonal level, a number of authorities are involved in the fight against trafficking in human beings. Their efforts are being coordinated by the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), which is also devising instruments and strategies. In 2012 it approved the first Swiss National Action Plan against Trafficking in Human Beings for the 2012–2014 period, which sets out the overall strategy adopted by Switzerland to combat trafficking in human beings and presents 23 measures to be implemented by the executing ministries in the areas of prevention, prosecution, victim protection and cooperation.[23]

46. The Council of Europe Convention on Action against Trafficking in Human Beings entered into force in April 2013. Following its ratification, new provisions on extra-procedural witness protection[24] entered into force in 2013. The national witness protection service began operations in early 2013.

47. Other victim protection measures have also been taken. FOM directives under the 2009 Federal Act on Foreign Nationals explain how to apply the provisions on trafficking victims' stay. They clearly state that a victim of trafficking exclusively may, by reason of his or her personal situation, obtain a right of residence. In a 2012 circular to cantonal authorities responsible for migration and the labour market, FOM reminded them that a check should also be made for evidence of sexual exploitation and human trafficking in the course of the relevant checks performed pursuant to the Foreign Nationals Act. If such evidence is found, the person concerned must be informed of the victim assistance possibilities and, if he or she is an illegal migrant, a cooling-off period must be granted. This confirms a paradigm shift: in cases of suspected human trafficking, victim protection takes precedence over the implementation of measures under the Foreign Nationals Act. The ordinance on trafficking in human beings, which entered into force on 1 January 2014, allows for additional financial aid to be granted to NGOs specializing in victim assistance.

---

[23] http://www.ksmm.admin.ch/content/dam/data/ksmm/dokumentation/nap_mh/NAP%20MH%20fr.pdf.

[24] Federal Act on Extra-procedural Witness Protection and the corresponding Ordinance, SR 312.2 and SR 312.21.

48. Since 2010, when the pilot phase ended, FOM has been offering victims and witnesses of human trafficking, as well as cabaret performers, assistance with their repatriation and reintegration.

Measures taken in the sex industry and in particular the status of foreign cabaret dancers

49. For upwards of 40 years, cabaret dancers from third countries have been admitted to Switzerland to engage in gainful employment. That status, created in 1995 with the explicit aim of protecting cabaret performers from exploitation, constitutes an exception to the admission of unskilled workers from third countries (excluding the EU and EFTA). FOM concluded in 2010 that the case had altered. Despite the plethora of directives in this area, cabaret performers' working conditions seem, in the main, quite precarious. Though explicitly prohibited, prostitution is very widespread in the establishments in question, aggravating the risk of human trafficking. In 2012, accordingly, the Federal Council held a consultation on abrogation of the status of cabaret artist.

50. Opinion was divided. The cantons, cities and communes lined up behind the Federal Council's proposal. Conversely, the majority of women's advocacy groups and the Federal Commission on Migration were in favour of maintaining the status of cabaret artist, arguing that its abrogation would force the women concerned into illegality. Moreover, the position statements showed that the abuses and risks related to trafficking in women and procuring could be observed throughout the sex industry, not just in the cabarets.

51. To improve protection for all women in the sex industry, FDJP convened a panel of experts in summer 2013. In March 2014 the panel submitted a report containing a series of recommendations: to devise a national policy on prostitution that would be at once pragmatic and liberal; to establish federal and cantonal coordinating bodies; to allocate additional resources to prevention and enforcement; and to abolish the status of cabaret artist.[25]

On the basis of the results of the 2012 consultation procedure and the 2014 experts' report, the Federal Council decided, on 22 October 2014, to abolish the status of cabaret dancer and, at the same time, to introduce a number of support measures to protect women working in the sex industry. Abolition of the status will be compensated for by various protective measures for women.

52. Parliament also instructed the Federal Council to draw up a report on how sex workers could be better protected against exploitation and trafficking in human beings. The report is to be submitted in 2015 and should in particular examine the 'Swedish model', in which the clients are the ones who incur punishment.

Combating violence against women

Domestic violence

53. As the situation was amply described in the 2012 interim report, only the most recent information will be reported here as an update, so not all relevant aspects are treated anew. Since 2009, FSO's Police Crime Statistics unit (PCS) has regularly been releasing data for analysis. However, the figures reflect only part of the phenomenon. It is known that 75 per cent of all victims of crimes of violence

[25] https://www.bfm.admin.ch/dam/data/bfm/publiservice/berichte/ber-schutz-erotikgewerbe-f.pdf.

recorded by the police in 2011 were women: the police recorded 5.9 male domestic violence victims per 10,000 inhabitants; whereas there were 17.1 female victims per 10,000 inhabitants. Among the accused, the sex ratio was reversed: 17.7 and 4.6 per 10,000 inhabitants.[26] The FSO plans to publish data on other indicators. New, thorough statistics on domestic violence are to be published in late 2014.

54. Victim assistance statistics show that 74 per cent of all consultations at victim assistance centres in 2013 were requested by female victims, of whom 81 per cent had suffered violence at the hands of a male perpetrator; in 49 per cent of cases, there was a family relationship between the perpetrator and the victim. The benefits provided by victim assistance centres to women victims are most often protection and housing, social and psychological assistance, and financial benefits.[27]

55. Continuation of the measures to prevent and combat domestic violence is a priority of the 2011–2015 Legislature Plan.[28] As indicated in the Federal Council's interim report on the anticipated measures to combat violence in spousal relationships,[29] the interdepartmental working group has been meeting annually since 2009 to coordinate the implementation of the twenty measures laid down by the Federal Council in its report of 13 May 2009. As of October 2014, four of the twenty had been successfully implemented, ten measures considered an ongoing duty were in place at the seven participating federal offices, while four would be implemented by late 2015 and two had been re-evaluated and suspended.

56. The Federal Office of Justice (FOJ) is currently studying the conditions for ratification of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence,[30] signed by Switzerland on 11 September 2013. A consultation with the cantons is planned for the second half of 2015.

57. FOGE[31] and the cantonal emergency services are helping to raise the Swiss public's awareness of the fight against the various forms of violence against women; to that end, they regularly present analyses, seminars, publications, exhibits and training offers as well as networking and information exchange activities. The national conference on domestic violence organized annually by FOGE took place on 20 November 2014 on the theme of 'domestic violence as a public health issue'.

58. A study published in 2013 at the behest of FOPH shows that, in almost half of all cases where women were victims of domestic violence, there was an alcohol abuse problem within the couple. In nine cases out of ten, the man was the drinker. In 25 per cent of all occurrences of violence, one spouse had been drinking at the time. That proportion rises sharply where one spouse has an alcohol abuse problem (a twofold problem). Cooperation between alcoholism detox centres and victim assistance centres is to be stepped up. It is already the rule in the canton of Basel-Landschaft.

59. The train of measures adopted by the Federal Council called in particular for a study to be done on the economic impact of domestic violence. The results of that

[26] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/19/03/02/key/02/04.html.
[27] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/19/03/01/key/ueberblick/01.html.
[28] http://www.admin.ch/opc/fr/federal-gazette/2012/6667.pdf.
[29] FF 2012 2209.
[30] http://www.coe.int/t/dghl/standardsetting/convention-violence/default_en.asp.
[31] http://www.ebg.admin.ch/themen/00=f466/00485/index.html?lang=fr.

study, which was carried out under the auspices of FOGE, were published in November 2013. The annual costs incurred owing to violence in spousal relationships are estimated at between 164 and 287 million francs. The report provides material support for the policy decisions on the allocation of public resources to prevention and intervention measures.[32]

60. In February 2013 the Federal Council published a report that analyses the decisions by victims of offences to report or not to report them.[33] The authors found that victims of violence often decide, for various reasons, not to report the occurrence to the police. For all offences, the proportion of victims that do make a report is estimated at less than 50 per cent. It is estimated that in Switzerland less than 20 per cent of victims of sexual violence file a complaint. As regards domestic violence, the figures are more or less the same, with a reporting rate of around 20 per cent. The Federal Council, in conjunction with the cantons, is studying various measures to up the reporting rate and better support victims.

61. Again in cooperation with the cantons, the Federal Council is looking into how the role of victim assistance centres could be enhanced and victims provided with more support victims during criminal proceedings. The Federal Council will be implementing the revised version of art. 55(a) of the Criminal Code in the context of legislative work concerning motion 12.4025 (Keller-Sutter: "To better protect victims of domestic violence").

62. Several cantons are developing concepts of threat management in domestic violence situations. Acting at the behest of the Conference of Cantonal Justice and Police Directors (KKJPD), the coordinating service for crime prevention is contemplating the establishment of a Swiss threat management network. An initial meeting was held in 2013. There are now several requests being considered in Parliament for the Confederation to cooperate with the cantons to develop a threat management system.

63. The cantons, which have jurisdiction in police matters under the Swiss federal system, have long considered them to be of great importance. Police authorities undertake emergency action, and a number of measures are available to them to keep perpetrators away from their victims. Various institutions offer victims consultations, subsidies and assistance. In recent years, working with (potential) perpetrators of violence has taken on new importance as a particularly effective preventive measure. Awareness-raising is essential among the institutions and stakeholders involved—such as police officers, as part of their training and development—but also among the general public, the watchword being that domestic violence is not a private matter. To make the judicial authorities aware of the domestic violence problem, and at the instigation of FOJ and FOGE, the University of St. Gallen has designed a continuous training seminar for judges and staff of the public prosecutor's office and, in 2012 and 2013, offered an introductory seminar with a more in-depth follow-up seminar. In 2014, other events were organized.

64. After consulting the cantons, KKJPD decided, at its autumn 2013 conference, to end the National Domestic Violence Helpline project. A majority of cantons were opposed to its continuation. The question of a national telephone hotline is to be

[32] http://www.ebg.admin.ch/dokumentation/00012/00196/index.html?lang=fr.

[33] http://www.ejpd.admin.ch/ejpd/fr/home/aktuell/news/2013/2013-02-270.html.

revisited during the work on the implementation of the February 2013 report of the Federal Council (cf. para. 61 above).

65. An amendment to article 50, paragraph 2 of the Foreign Nationals Act (FNA) came into force on 1 July 2013. When a spouse has not freely consented to the marriage, he or she may henceforth invoke important personal reasons to obtain or extend a residence permit. That change also enshrines in law the Federal Supreme Court's case law under which, for the right to residence to be upheld after family breakdown, it is not necessary for both conditions, i.e. domestic violence and gravely compromised prospects of social reintegration in the country of origin, to be fulfilled. Moreover, FOGE and FOM have organized four regional workshops on enforcement of FNA article 50, paragraph 2 for cantonal migration authorities and those providing specialized services (women's shelters, victim assistance centres, integration offices), to optimize cooperation between these services when reviewing hardship claims by victims of domestic violence.

66. In a June 2012 report on the protection of children and young people against family violence, the Federal Council stressed the importance of offering greater assistance to children and youth so that those who are victims of violence may receive counselling and support, but also a crisis intervention system and accommodation when needed. The Federal Council has said it is prepared to provide financial support to cantons that expand their assistance to children and youth.[34]

Forced marriage

67. In 2012, the Federal Council commissioned the first study on the causes, forms and extent of forced marriage.[35] A survey has shown that more than 700 cases of forced marriage were recorded in Switzerland during the two preceding years. In some 700 further cases, people were forced to remain married. The socioeconomic profile of those applying to an institution in these circumstances varies with the particular type of constraint. Persons forced to marry are mainly young foreign women between 18 and 25 years of age, most of them well integrated. Other problems arise for people prevented from pursuing the relationship of their choice. In that case too, most are young women between 18 and 25 years of age, 69 per cent of them foreigners. Those who are prevented from divorcing have a very different profile: these women are older, and their residency status and integration are much more precarious. Persons prevented from divorcing are the most frequent cases at the institutions that participated in the study. Accordingly, the study proposes measures encompassing this third category of persons. Victim support institutions are very varied and are often faced with problems outside their areas of expertise. The study pointed up a significant need for awareness-raising and training at these institutions.

68. The new Federal Act on Measures against Forced Marriages entered into force on 1 July 2013. The new features of the Act are essentially as follows: forced marriage becomes a criminal offence, punishable by a custodial sentence of not more than 5 years; solemnization of marriage in Switzerland is governed exclusively by Swiss law; marriage with minors will no longer be tolerated; victims

[34] http://www.bsv.admin.ch/themen/kinder_jugend_alter/00066/index.html?lang=fr#sprungmarke0_23.

[35] https://www.bfm.admin.ch/dam/data/bfm/publiservice/publikationen/zwangsheirat/studie-zwangsheirat-f.pdf.

of forced marriages have the right to remain in Switzerland; marriage annulment is automatic and is not prescriptible, even in the case of marriages with minors; civil registry offices are responsible for the preparation and solemnization of civil marriage. The Federal Act on Measures against Forced Marriages confers new duties on the said offices, so civil status officers are being trained accordingly and sensitized to this issue.

69. The Federal Council, relying on the findings of the study on forced marriages, in 2012 launched a federal programme to combat forced marriage during the 2013–2017 period, complementing the new Federal Act on Measures against Forced Marriages. The purpose of the programme is to develop preventive measures and concrete proposals for the care, support and protection of persons affected or potentially affected and their friends and family, as well as training for male and female professionals. The Confederation is allocating two million francs to the programme out of appropriations intended to promote integration.

Genital mutilation

70. For several years, Switzerland has been admitting an increasing number of women from countries where female genital mutilation (FGM) is practised. It may be supposed, therefore, that the number of women and girls affected by or threatened with excision is also increasing. According to a statistical estimate, the Swiss residents affected are mainly from Eritrea, Somalia, Ethiopia and Egypt.[36]

71. A criminal provision on female genital mutilation came into force on 1 July 2012. Under article 124 of the Criminal Code, any person who mutilates the genitals of a female person, impairs their natural function seriously and permanently or damages them in some other way is liable to a custodial sentence not exceeding ten years. Paragraph 2 provides that any person who has committed the offence abroad but is now in Switzerland and is not extradited is liable to the foregoing penalties.

72. A national working group on female genital mutilation was created in 2012. It drafts preparatory documents and recommendations for future prevention, care and intervention measures and coordinates networking among all stakeholders.[37]

73. The Confederation is continuing to undertake prevention and awareness activities.[38] Prevention efforts will be continued under the 2014–2017 National Migration and Health Programme.[39]

Art. 7 Political and public life

74. Women now make up the majority of the electorate[40] (53 per cent). A detailed analysis of results of the 2011 elections to the federal Parliament published by EKF shows that the proportion of women elected to the National Council has stagnated, at 29 per cent, for the first time since women acquired the right to vote. The proportion of women candidates, which had grown very little or not at all since the 1995 elections to the National Council, decreased from 35.2 to 32.8 per cent at the

[36] http://www.bag.admin.ch/themen/gesundheitspolitik/07685/12512/14074/index.html?lang=fr.
[37] http://www.bag.admin.ch/themen/gesundheitspolitik/07685/12512/14074/index.html?lang=fr.
[38] http://www.bag.admin.ch/themen/gesundheitspolitik/07685/12512/13670/index.html?lang=fr.
[39] http://www.bag.admin.ch/themen/gesundheitspolitik/07685/07688/14002/index.html?lang=fr.
[40] Brochure "On the Way to Equality", p. 31.

2011 elections.[41] One less woman was elected than in 2007. After the 2011 elections, women accounted for 19.6 per cent of the 46 members of the Council of States. In 2014, the percentage of women members of the cantonal parliaments was 25 per cent (as of 5 October 2014). Their representation was highest in the cantons of Basel-Landschaft (36 per cent) and Zurich (33 per cent) and lowest in the canton of Ticino (13 per cent).[42] The same party breakdown is seen in the cantonal parliaments as on the National Council.

75. Within the executive branches the picture is mixed. Women were the majority in the federal government for the first time in 2010: four of seven seats on the Federal Council. Since 2011, there have been only three. In the cantonal governments, the proportion of women was 23 per cent in 2014 (as of 5 October). The government of the canton of Vaud has the most women (4 of 7 members). There is at least one woman in all the cantonal governments, but in more than two thirds of them they account for only a fifth or a seventh of the total.

76. Improvement of women's political participation is a cause that EKF is making a particular effort to advance. Among other projects, it plans to conduct a media analysis in advance of the next federal elections, scheduled for October 2015. The purpose of that monitoring is to encourage the media to cover the elections with a concern for gender equality, with equal-opportunity coverage of female candidates and an attempt to make the public aware of the lack of equality in Swiss politics. As the entity responsible for preparing the federal elections, the Federal Council will strive to keep questions relating to the equality policy at the forefront of debate. Hence, all circulars sent the cantonal governments by the Federal Council contain a chapter on that theme. The handbook for nominating committees explains how to encourage women candidates.

77. Eighteen cantons[43] report making efforts to strengthen women's political participation, typically by means of measures to increase their presence on the electoral rolls. Sixteen cantons[44] indicate that they are taking various measures to raise the percentage of women in the executive and the administration, as well as on legislative and judicial bodies, in particular through the use of personnel policy instruments.[45] As regards the proportion of women in executive positions, some cantons[46] have set objectives, either for the administration in general or in specific areas. Other cantons[47] set targets for women's representation on commissions.

Art. 8 Representation and participation at the international level

78. Currently, women account for 31 per cent of all diplomatic staff and 49 per cent of all consular staff (as of 30.06.2014) Since 2009, women's representation has on

[41] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/17/02/blank/dos/02.html.

[42] Brochure "On the Way to Equality", p. 32; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/17/02/blank/key/frauen_und_politik/kantone.html.

[43] Appenzell Ausserrhoden, Appenzell Innerrhoden, Aargau, Basel-Landschaft, Bern, Fribourg, Geneva, Glarus, Graubünden, Jura, Lucerne, Neuchâtel, Obwalden, Schwyz, Ticino, Obwalden, Thurgau, Valais, Vaud.

[44] Appenzell Ausserrhoden, Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Geneva, Glarus, Lucerne, Obwalden, Schwyz, St. Gallen, Ticino, Thurgau, Valais, Vaud, Zug.

[45] Basel-Stadt, Bern, Lucerne, Obwalden, Thurgau, Zug.

[46] Basel-Stadt, Zug.

[47] Ticino, Valais.

average been 45 per cent among newly recruited diplomatic staff (class of 2014: 53 per cent) and 67 per cent among new consular officers (class of 2014: 50 per cent).

79. And yet, the directives of the Federal Council concerning the assignment of delegations to international conferences expressly state that the federal office in charge shall ensure that women are equitably represented in the delegation.[48]

Art. 9 Nationality

80. In June 2014, Parliament adopted a complete revision of the Federal Nationality Act. Among its objectives is to require foreign nationals wishing to acquire Swiss nationality to demonstrate a sufficient level of integration and language skills, in line with the Federal Act on Foreign Nationals.

Art. 10 Education

81. Recent statistical data confirm that the educational disparity between the sexes is progressively diminishing. The percentage of people having compulsory schooling at most has fallen, especially among women, who are pursuing higher vocational training more often than previously. However, the proportion of individuals aged 25 to 64 with compulsory schooling at most is higher among women than men. In the 25–34 age cohort, more women than men hold a diploma from an institution of higher education or university.[49]

82. At the upper secondary level, women more often take a general education degree, while men more often have a vocational training diploma.[50] At institutions of higher education, the graduation rate is continually increasing, in particular among women, whose rate has since 2008 been higher than men's.

83. The choice of profession and the branch of studies remains strongly sex-linked.[51] Young men choose technical occupations and areas of study very often, much more often than young women do. Young women, on the other hand, very often, and much more often than their male counterparts, choose vocational training and studies in health, the human and social sciences, social work and teaching.[52] The male/female divide in choice of profession and branch of studies has slightly lessened over the past twenty years. There are now more young male students in the traditionally female social services programme at the upper secondary level. The representation of women increased in all traditionally male university study areas and courses at the upper secondary level and at tertiary colleges.[53] As is shown by a new study from the Federal Statistical Office (FSO) on MINT specialists, women's representation in these areas is still relatively low, especially at tertiary colleges:

---

[48] http://www.admin.ch/opc/fr/federal-gazette/2012/8761.pdf.

[49] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/gleichstellung_und/bildungsstand.html. Brochure "On the Way to Equality", p. 5.

[50] http://www.bfs.admin.ch/bfs/portal/de/index/themen/20/05/blank/key/gleichstellung_und/abschlussquoten.html.

[51] http://www.skbf-csre.ch/fileadmin/files/pdf/bildungsmonitoring/epaper_bildungsbericht2010fr/index.html#/156: http://www.skbf-csre.ch/fileadmin/files/pdf/bildungsmonitoring/epaper-bildungsbericht2014de/index.html#/0(p. 203s).

[52] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/gleichstellung_und/eintritte_in_berufsbildungen.html.

[53] Brochure "On the Way to Equality", p. 9.

they make up 36.3 per cent of all university degree holders in these disciplines, but only 14.4 per cent at tertiary colleges.

84. To boost women's representation in the technical professions, Confederation and cantonal officials and economic managers attending the 2012 National Apprenticeships Conference decided to raise girls' and young women's awareness of technical trades and promote upskilling to spur women's participation in the labour market. And, through the 'Vetplus' vocational training campaign, young people are being informed and made aware of technical trades.

85. In career counselling, gender-neutral language and depictions are used in information materials. A number of ongoing research projects in the vocational training field are looking into how vocational choices are skewed by gender stereotypes. Every year since 2010, 16 cantons have been organizing National Future Day—New Prospects for Girls and Boys, with the goal of encouraging young people not to let gender stereotypes dictate their vocational choices.[54]

86. A report published in 2010 on the shortage of MINT specialists in Switzerland found that according to the latest studies, young people's interests and vocational orientation are set quite early.[55] A number of stakeholders have been at work for some years to stimulate children and young people's interest in MINT careers by making various events and information materials available to teachers.[56] In the tertiary sector, measures to make MINT studies more attractive to young women and increase their enrolment are being stepped up by seeing to it that girls are given information during compulsory schooling, but also by modifying curricula and providing mentoring for female students.

87. How much influence does the educational system exert on women's studies and academic career? To answer that question, the Federal Council in 2009 issued a report on students' situation, focusing in particular on compatibility between education and family life.[57] Although the reasons for students' dropping out are not monolithic, the report did show that students with children face daunting obstacles in reconciling education with their family responsibilities.[58]

88. The higher the academic level, the smaller the proportion of women among teachers. It should however be emphasized that women are represented in greater numbers than formerly on the faculty of institutions of higher education. The proportion of female professors at universities has considerably increased since 1980, though women are still in the minority (19.2 per cent in 2013, compared with 1.8 per cent in 1980).[59] Very few universities have reached the target they had set of 25 per cent female faculty members.

89. Statistics show that the women are underrepresented at the highest levels of scientific research. At institutions of higher education in 2010, they accounted for only 26 per cent of the faculty undertaking research, or about a fourth of the total.

---

[54] http://www.nationalerzukunftstag.ch/de/home/.

[55] http://www.sbfi.admin.ch/dokumentation/00335/01737/01738/index.html?lang=fr.

[56] http://mint.educa.ch/fr.

[57] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/22/publ.html?publicationID=4806

[58] http://www.sbfi.admin.ch/aktuell/medien/00483/00594/index.html?lang=fr&msg-id=29273.

[59] Brochure "On the Way to Equality", pp. 9–10. http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/gleichstellung_und/lehrkraefte.html.

The European average is around 20 per cent. The Swiss figure is higher because, unlike the figures for other countries, it includes women who teach at universities of applied sciences (UASs). Women's representation on university faculties is much lower than the European average. Among researchers, however, women's representation is growing faster than men's. Research institutions in Switzerland are mostly headed by men. in 2010, women held only 21 per cent of the seats on research councils and 16 per cent of directorships at institutions of higher education. Research funds allocated by the funding agencies go proportionally more often to men than to women, and the gap is widening: whereas the differential was 6.7 per cent in 2002, it grew to 7.8 per cent in 2010.[60]

90. According to an evaluation of the third phase (2008–2011) of the Swiss Federal Equal Opportunity at Universities Programme (BPCG),[61] gender disparities worsen as scientific careers advance. The higher women rise in the academic hierarchy, the more apt they are to be part of a dual-career couple, while the opposite is true for men. Women make more mobility compromises than men (51 per cent vs. 41 per cent), meaning that they follow their partner or are less mobile because of their children. BPCG has helped to institutionalize equality structures and services at universities and legitimize equality concerns. Measures supported under the Programme are largely achieving their goals and offer universities a potential for innovation in terms of succession planning in general and the systematic enhancement of personal development.[62]

91. The new "Equal Opportunity for Women and Men at Universities/Gender Studies 2013–2016" Programme[63] seeks to increase women's representation on faculties and in MINT programmes from an average of 17.8 to 25 per cent by 2016. To ensure that equality services at Swiss universities maintain their structure and keep proven measures going, each university has established its own plan of action for the 2013–2016 period. These action plans include binding targets. Equality delegates at institutions of higher education play an important role in networking and the promotion of equality as well as in Gender Campus, an information and communications platform on gender studies and equality at universities and institutions of higher education that is co-funded by the Confederation.[64]

92. The new phase of the federal Equal Opportunity at Universities of Applied Sciences Programme[65] seeks to increase women's representation in MINT programmes. It revolves around action plans drawn up by each UAS to attract more female students and professors while combating gender role stereotypes and the resulting skewed choices of field of study. The goal is to achieve a minimum 30 per cent female or male representation at all levels. Training and curriculum offerings must be sensitive to the gender perspective, while applied gender research knowledge and skills must be developed.

---

[60] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/22/press.html?pressID=8629. See also: http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/22/publ.html?publicationID=4544.

[61] http://www.sbfi.admin.ch/dokumentation/00335/01737/01738/index.html?lang=fr.

[62] SBF News 02/12: http://edudoc.ch/record/101942/files/0212SBFNews_fr.pdf.

[63] http://www.crus.ch/information-programmes/egalite-des-chances-etudes-genre-programme-cus-p-4.html?L=1.

[64] http://www.gendercampus.ch/fr.

[65] http://www.sbfi.admin.ch/themen/01337/01339/01357/index.html?lang=fr.

93. The Gender Equality National Research Programme (NRP 60) has funded 21 projects investigating the causes of persistent discrimination in the family, in the training system and in working life.[66] These projects will for the first time draw systematic conclusions on the effectiveness of strategies, programmes and measures designed to contribute to equality in daily life, in the family, and at training institutes and labour organizations. They will identify and evaluate the complex conditions underlying the success or failure of equality processes. NRP 60, whose findings were made available in a synthesis report published in 2014,[67] also makes recommendations for action that can help in the design of equality policies.

Art. 11 Working life (thematic priority)

Professional activity and employment status

Current situation

94. The 2013 labour force participation rate was significantly higher among men than among women: 75 per cent of men and 62 per cent of women aged 15 and up were employed or looking for work. In the 30 to 45 and 55+ age groups, women's labour force participation rate was significantly lower than men's, for when a woman becomes a mother she will very often withdraw (temporarily) from the labour market to bring up her children. Moreover, women tend to leave the labour market permanently earlier than men do. The differences between men and women's labour market participation rates at different stages of life have, however, become noticeably smaller over the past twenty years. Since 1991, men's labour force participation rate has fallen slightly regardless of age. Conversely, women's participation rate has increased in nearly all age groups. The participation rate of mothers with children under 15 has also increased considerably. The rate has dropped only among very young women (15–24) and older women (65+), likely because the former stay in school longer while the latter's work activity tapers off after retirement age.

95. Fifty-nine per cent of working women were in part-time jobs, the comparable figure being only 14 per cent for men. Casual part-time employment is clearly much more frequent among women than among men. Indeed, part-time employment is a feature of women's working life. Since 1991, work-time percentages of between 50 and 89 per cent have increased among both men and women. Very low work-time percentages (below 20 per cent) have become less frequent among mothers, particularly in favour or percentages of 50 per cent or more.

96. Of the 6.3 per cent of persons considered underemployed, i.e. economically active persons wishing to increase their employment rate, almost three quarters were women. This indicates that part-time work is not always a choice. Mothers having a partner and child(ren) and single mothers were particularly affected by underemployment.

97. In general, women's positions are less senior than men's: many more women work as salaried employees without managerial functions, while men much more often work independently or as salaried members of management or perform an executive function. That inequality is present even when men and women have the same degree of education. Since the mid-1990s, the proportion of self-employed

[66] http://www.nfp60.ch/F/Pages/home.aspx.

[67] http://www.nfp60.ch/SiteCollectionDocuments/NFP_60_Synthese_frz_Web.pdf.

women has increased slightly. Among men, no significant change was found in their professional situation.[68]

98. Women constitute a third of employees in managerial and supervisory positions. That proportion has changed little since 1996.[69] However, if we look at women's representation on the governing bodies of the hundred largest Swiss companies over the past decade, a positive trend is observable, even though the figures are still low: a private survey showed that boards of directors included only 13 per cent women in 2014, while the corresponding figure was just 6 per cent in management and 3 per cent among CEOs. Women were somewhat more present among new members of management teams (9 per cent).[70]

99. The involvement of women and men in unpaid work was highly variable depending on the type of activity. Women spend much longer than men on most household and family tasks.[71] Men involve themselves more than women in organized volunteer work (23 per cent compared to 17 per cent).[72] As shown in a FOGE brochure published in 2010, unpaid caregiving has a negative impact on careers and social protection. In addition, it limits choices as regards the division of labour between women and men and increases the risk of poverty. Caregiving, whether paid or unpaid, whether for adults or children, is overwhelmingly women's work. Accordingly, women bear the brunt of its disadvantages.[73]

100. The horizontal segregation between the sexes remains very clear. While women's representation in the information and communications sector has fallen since 1993 (from 36 to 28 per cent), it has greatly increased in public administration (from 32.1 to 45.5 per cent) and in research and development (from 32.3 to 40.7 per cent). Progress has also been observed in the energy sector (from 12.9 to 18.2 per cent), in water supply and environmental protection (from 8.9 to 15.7 per cent), but women's share is still small. However, their participation in the health and social sector remains stable at a high level (2013: 77 per cent).

101. The number of female employees in the federal government has been growing for several years; it grew by 1.4 percentage points from 2011 to 2014, from 41.9 to 43.3 per cent. At the executive level too there was an increase in women's representation 2011 and 2013: from 27.8 to 30.2 per cent in middle management, and from 14.3 to 16.1 per cent among senior officials. At the lower salary levels, women accounted for 49.9 per cent of the workforce in 2013. Part-time workers made up 23.4 per cent of all staff, taking the average for both sexes. Their numbers

---

[68] Regarding paragraphs 99 to 102, cf. Brochure "On the Way to Equality", pp. 11–14; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/erwerbstaetigkeit/berufliche_stellung.html.

[69] Brochure "On the Way to Equality", pp. 14–15; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/erwerbstaetigkeit/berufliche_stellung.html.

[70] http://www.schillingreport.ch/de/report.aspx.

[71] Brochure "On the Way to Equality", pp. 20–21; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/Vereinbarkeit/04.html; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/06/blank/key/haus-und-familienarbeit/taetigkeiten.html.

[72] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/06/blank/key/freiwilligen-arbeit/institutionalisierte.html.

[73] FOGE: Anerkennung und Aufwertung der Care-Arbeit: Impulse aus Sicht der Gleichstellung, 2010, pp. 10 et seq.

grew from 47.8 to 49.2 per cent among women and from 9.4 to 10.6 per cent among men.

Equal opportunity promotion measures on the labour market

102. As mentioned in the previous report, the Federal Act on Gender Equality (or Gender Equality Act, GEA) of 1995 explicitly empowers women and men to bring a legal challenge against discrimination in working life. Case law under the Gender Equality Act shows that such challenges are in fact occurring. The GEA information platform, which brings together a large fraction of the cases where legal action has been taken, has documented 178 cases since 2008 in the German-speaking cantons: they are mainly concerned with wage discrimination, discriminatory dismissal and sexual harassment situations.[74] The situation is similar in the French- and Italian-speaking cantons, with 32 documented cases.[75] The Federal Supreme Court has mainly dealt with disputes relating to wage discrimination.[76]

103. Federal and cantonal gender equality institutions have made efforts in recent years to provide the necessary information on the tools available under the Gender Equality Act to women and men victims of discrimination. Cantonal and municipal equality offices' websites set out the legal possibilities in that regard. Specific platforms are available: (<www.gleichstellungsesetz.ch> and <www.leg.ch>) giving details of the case law on equality. A legal commentary on the Act has been issued in French and German. FOGE regularly organizes or supports continuous training conventions and symposia for male and female professionals.

104. As required by the Gender Equality Act, the Confederation provides financial resources to advance equality in working life by supporting general promotion projects and consulting services. In that way, FOGE provides support to projects to advance equality between men and women in the workplace and the enterprise, facilitating work/family balance and working for equality in people's careers.[77] Since 2009, a pilot project has been in place whereby FOGE also gives financial assistance to projects to advance equality implemented within enterprises.[78] The amount of credit available for financial assistance under the Gender Equality Act is set annually by Parliament. In 2014 it amounted to 4.4 million francs. Every year, FOGE provides varying levels of financial support to some thirty or even forty projects and consulting services working on such issues as equal pay for equal work, women's representation in technical trades, part-time work for men and women, sexual harassment, the professional integration of foreign women, and work/family balance.[79]

---

[74] www.gleichstellungsgesetz.ch, http://www.gleichstellungsgesetz.ch/cgi-bin/internetal.pl?d=1&a=p1320102&Tn=151&Sall=on&s=E&result=1#Tbegin (accessed 23.09.2014).

[75] http://www.leg.ch/jurisprudence; http://sentenzeparita.ch/category/sentenze-principali/.

[76] Cf., e.g., BGE 136 II 393, 134 V 223 or 4A_261/2011, decision of 24 August 2011.

[77] http://www.ebg.admin.ch/dienstleistungen/topbox/suche/projekte/index.html?frommonth=1&fromyear=1996&tomonth=12&toyear=2013&prioritaet=0&search=&kategorie%5B7%5D=on&send=true&lang=fr.

[78] http://www.admin.ch/ch/f/rs/1/151.18.fr.pdf.

[79] http://www.ebg.admin.ch./dienstleistungen/00016/00117/index.html?lang=fr.

105. The Federal Act on Gender Equality considers workplace sexual harassment to be discriminatory behaviour, against which the persons concerned can defend themselves in court (GEA art. 4 et seq.). Since 2008, 72 case were recorded on the platforms of information above-mentioned.[80] FOGE and the State Secretariat for Economic Affairs (SECO) continue to make freely available the publications developed during the previous review period, to make employers and workers aware of the issue and to inform them of the prevention and intervention mechanisms available.[81] FOGE also regularly advises individuals, companies and governments on the rights of victims of sexual harassment and on employers' duties in that situation.

106. Almost all cantons[82] say they have taken specific measures to advance equal opportunity between the sexes on the labour market and in the enterprise. Several note that they award prizes to employers that have taken exemplary measures to facilitate work/family balance. Others support enterprises by providing them with information and advice on how to improve equal opportunity.

107. The federal government's personnel strategy for 2011–2015 sets concrete targets for advancing diversity in general and equal opportunity between women and men in particular. In both regards the strategy calls for training and awareness-raising to be offered to executives. In 2011, the Federal Council defined target values for staffing, which, inter alia, specify women's representation as a proportion of the total staff complement and by pay grade. The Federal Council's target figure for women's representation in the federal government by late 2015 is 44 to 48 per cent. Specific goals are to increase women's representation in pay grades 30–38 (senior executives; target value: 16 to 20 per cent) and in intermediate pay grades 24–29 (middle managers; target value: 29 to 34 per cent). Measures are also being implemented government-wide (specific training, mentoring and coaching programmes) to encourage the women to follow a career path.

108. Protection against sexual harassment is also an issue being addressed by the federal government. In 2014, for example, the Federal Personnel Office issued a brochure on prevention and the approach to be taken in cases of sexual harassment in the federal government.[83] The Federal Department of Foreign Affairs, for its part, in 2012 launched an awareness-raising campaign for its staff in Switzerland and abroad.[84] It designated trusted individuals to whom victims could turn.

---

[80] http://www.gleichstellungsgesetz.ch/cgi-bin/internetal.pl?d=1&a=p1320102&Tn=61&S11515=on&Sjahr2013=on&Sjahr2009=on&Sjahr2011=on&Sjahr2012=on&Sjahr2008=on&Sjahr2010=on&Sjahr2014=on&s=D&result=1#Tbegin (accessed 23.09.2014);
http://www.leg.ch/jurisprudence/search&thematique=harcèlement%20sexuel/ (accessed 23.09.2014).

[81] http://www.ebg.admin.ch/themen/00008/00074/index.html?lang=fr.

[82] Zurich, Bern, Lucerne, Schwyz, Obwalden, Glarus, Zug, Solothurn, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden, Appenzell Innerrhoden, St. Gallen, Graubünden, Thurgau, Ticino, Valais, Geneva, Jura, Aargau, Fribourg, Vaud.

[83] http://www.epa.admin.ch/dokumentation/publikationen/index.html?lang=fr&ebook=NHzLpZeg7t,lnp6I0NTU042l2Z6ln1ae2IZn4Z2qZpnO2Yuq2Z6gpJCDeHx9e2ym162epYbg2c_JjKbNoKSn6A--

[84] www.eda.admin.ch/respect.

Measures taken by the Confederation, the cantons and the cities to promote women to managerial and supervisory positions

109. The low representation of women in managerial and supervisory positions has been the subject of political debate in recent years. The 2011–2015 Legislature Plan calls for a watch to be kept on the situation prevailing in Swiss companies as regards women's presence on boards of directors (measure 113). In a statement published in March 2014, EKF ruled in favour of the establishment in law of gender quotas for the economy.[85] To raise enterprises' awareness, SECO in 2011 published a brochure entitled *Frauen in Führungspositionen: so gelingt's!*[86]

110. The Federal Council aims to achieve equitable representation of the sexes on (supreme) governing bodies of companies and institutions closely connected with the Confederation. In November 2013 it set a target quota of 30 per cent for the representation of both sexes. The reference values for language community representation and the target quota for both sexes' representation came into force on 1 January 2014; they must be met by the end of 2020. When asking for a new member to be appointed to a governing body, ministries are required to justify any departure from the reference values and the target quota.

111. Under the law reform for public limited companies, the Federal Council is proposing that publicly traded corporations have at least 30 per cent representation of each sex on their boards of directors and within their management staff. They will have five years to adapt to the new rule. In case of non-compliance, the principle applied will be 'comply or explain': the corporation will have to explain, in the compensation report it prepares each year, why the threshold value has not been met, and indicate what measures have been or will be taken to meet it.

112. Fourteen cantons[87] say they have taken specific measures for the promotion of women to managerial and supervisory positions in cantonal government and at public agencies. Some cantons have set concrete targets to increase women's representation in executive positions in their administrations. Others are offering their female employees specific management training.

113. The issue of gender quotas is also being debated at the cantonal and communal level. For example, the cities of Bern, Zurich and Schaffhausen have set quotas of 35 per cent for the executives of their respective administrations. On 9 February 2014, the electorate of the canton of Basel-Stadt approved the imposition of a one-third quota at public and semi-public oversight bodies.[88]

114. Under its 2011 initiative in response to the increasing shortage of skilled personnel, the Confederation plans to take measures to improve work/family balance so that qualified women will be more available to work. The following are among the measures planned: eliminate financial disincentives for (additional) gainful employment by reforming the tax treatment of married couples; make third-

[85] http://www.ekf.admin.ch/dokumentation/00442/index.html?lang=fr.

[86] http://www.seco.admin.ch/themen/00385/02021/04612/index.html?lang=fr.

[87] Basel-Stadt, Bern, Fribourg, Geneva, Glarus, Lucerne, Neuchâtel, Obwalden, Schwyz, Solothurn, Ticino, Thurgau, Vaud, Zug.

[88] http://www.grosserrat.bs.ch/dokumente/100376/000000376381.pdf.

party childcare spaces for pre-school and school-age children more plentiful and less expensive.[89]

Labour market protection of vulnerable groups and promotion of their integration

115. To enhance the status of women workers and particularly vulnerable workers in terms of labour law and social protection, Switzerland on 12 November 2014 ratified ILO Convention No. 189 Concerning Decent Work for Domestic Workers. At the behest of Parliament, a report is being developed to explore options for a better legal framework for the working conditions of commuting migrant women who look after older persons in their homes.

Equal pay for equal work

Current situation

116. New indicative figures from the Swiss Earnings Structure Survey (LSE) show that in the private sector the wage differential between women and men increased by 0.5 percentage point, to 18.9 per cent (standardized [median] monthly gross wage) in 2012 , after a temporary decline (2008:) 19.4 per cent; 2010: 18.4 per cent).[90] Wage disparities between men and women exist in all industries, but wages vary considerably from one industry to another. In the private sector, the differential is greater the higher the educational level and the qualifications and hierarchical level of the position.[91]

117. The wage differential is a function of several factors that are closely linked to the differences between businessmen and -women, in particular their professional positions and the required qualification levels. As an FSO-mandated study has shown, that share of the private-sector wage differential that cannot be objectively justified (by years of experience, educational level, level of requirements, industry, region) but instead reflects wage discrimination on account of sex was 8.7 per cent in 2010 (averaging 677 francs a month).[92] For 2010, the shortfall in earnings for women resulting from that discrimination is estimated at 7.7 billion francs.

118. In 2010, two thirds of the low-paid jobs offered by the private sector and the Confederation were held by women. Nearly one woman in five (19.1 per cent) had low wages, as against only 6.9 per cent of men.[93] But 73.4 per cent of high-wage employees are men. [94] Indeed, the high-wage group is the one where the discrimination factor—by gender alone—was most significant. Men also received

[89] https://www.wbf.admin.ch/fr/themes/formation-recherche-innovation/davantage-de-personnel-qualifie/.

[90] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/lochne/privatwirtschaft.html. Cf., in particular, FDHA, FSO, FOGE, Auf dem Weg zur Lohngleichheit: Tatsachen und Trends, June 2013 (hereinafter called "On the Way to Wage Parity"), p. 5: http://www.ebg.admin.ch/dokumentation/00012/00194/00205/index.html?lang=fr. Cf. brochure "On the Way to Equality", p. 23: http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/22/publ.html?publicationID=5213.

[91] Brochure "On the Way to Equality", p. 24, pp. 25–26; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/lochne/anforderungsviveau_des_arbeitsplatzes.html.

[92] Laurent Donzé, Analyse des salaires des femmes et des hommes sur la base des enquêtes sur la structure des salaires 2008 et 2010, Universität Freiburg i.Ü., 2013.

[93] Brochure "On the Way to Wage Parity"), p. 13.

[94] Brochure "On the Way to Equality", p. 27.

much more in the way of special payments, such as bonuses, commissions, and profit sharing.[95]

119. In the public sector, the wage differential between the sexes was less pronounced. It did however increase from 12.1 to 13.6 per cent between 2010 and 2012 (standardized [median] monthly gross wage). In 2010, the discriminatory share of the wage differential in the federal public sector was clearly less than in the private sector: 3.3 per cent vs 8.7 per cent.[96]

Measures to advance equal pay for equal work

120. A legally enforceable right to equal pay for equal work has long been part of the Swiss Constitution (art. 8, para. 3, sentence 3: the right to equal pay for work of equal value) and is enshrined in the Federal Act on Gender Equality. The online information platform devoted to the Act lists more than 40 cases of legal action on account of wage discrimination brought since 2008.[97] A number of decisions of the highest Swiss court, the Federal Supreme Court, have analysed the right to equal pay and clarified certain methodological and procedural issues raised by wage comparisons.[98]

121. Information and awareness efforts have been made in recent years to help assert male and female employees' right to wage parity before the courts. FOGE in 2008 published a mini-guide to the drafting of legal appraisals—also freely accessible on its website. FSO and FOGE have commissioned a number of detailed analyses of both sexes' earnings structure based on the findings of the general wage survey. [99] In 2012, the equality conference of French-speaking Switzerland conducted a campaign against wage discrimination.

122. As part of its activities to promote equal opportunity in working life, FOGE has granted financial assistance under the Gender Equality Act to a large number of projects that seek to combat wage discrimination in a variety of ways: campaigns, ongoing training on the evaluation of work and compensation systems, skills development with a view to conducting statistical analyses, equal pay certification, instruments for cantons' public procurement, consideration of key competencies in staff selection, etc.

123. FOGE has developed various instruments to help employers achieve equal pay for equal work. Businesses employing more than 50 persons can use the Logib self-test software to verify that they are actually paying equal wages for equal or

---

[95] Brochure "On the Way to Wage Parity"), pp. 14–15.

[96] For additional tables and data on wage differentials, see the gender equality indicators prepared by the Federal Statistical Office (FSO): http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/loehne.html; cf. in particular the tables on wage discrimination: http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/04/blank/key/lohnstruktur/nach_geschlecht.html.

[97] www.leg.ch; www.gleichstellungsgesetz.ch.

[98] Cf. in particular BGE 136 II 393, 131 II 339, 130 III 145: http://www.ebg.admin.ch./themen/00007/00069/00116/index.html?lang=fr#sprungmarke0_6. See also BGE 4A_261/2011, 4A_449/2008 of 25.02.2009, 4A 614/2011 of 20.03.2012.

[99] Laurent Donzé, op. cit. http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/04/blank/key/lohnstruktur/nach_geschlecht.html.

equivalent work.[100] Logib is an internationally recognized regression analysis-based software package that has been accepted by the Federal Supreme Court as a method for use in remedies relating to wage disparity. It has been adopted by various countries (Germany, Luxembourg) and others (Portugal, Israel, Chile, Great Britain) are considering its use. The European Union has more than once cited Logib as an example of best practices. As of 2013, Logib had been downloaded more than 5,000 times from the FOGE site. FOGE is also offering a free equal pay monitoring method.[101] An instrument for smaller businesses and organizations is under development and at the test stage.

124. To expedite the achievement of equal pay for equal work, employers' and employees' umbrella associations in 2009 launched a Dialogue on Wage Parity with Confederation support. They made a commitment to use their influence to encourage businesses to voluntarily analyse their salary schedules and eliminate any discrimination between women and men as soon as possible. By the time the project ended in late February 2014, while 51 companies comprising 230,000 employees had signed up for the Dialogue on Wage Parity, the hoped-for total of 100 companies had not been reached.

125. The Confederation awards contracts in Switzerland only to businesses that guarantee respect for the provisions of the Federal Public Procurement Act (PPA), including those on equal pay for equal work (PPA art. 8). The Confederation may perform audits or have them done, in particular by FOGE (art. 6, para. 4 of the Public Procurement Ordinance [PPO]). If wage discrimination is identified at a company, the contract award may be rescinded or a contractual penalty may be invoked (PPO art. 6, para. 5). In addition, the company will be allowed to bid on future contracts only it furnishes evidence that it guarantees equal pay (PPO art. 11). FOGE and the Federal Procurement Commission have asked for an external verification of equal pay audits performed between 2006 and 2010 on the Confederation's public contracts.

126. The findings of a random check done on 28 businesses between 2006 and June 2014 were as follows: at 9 businesses, no systematic wage discrimination was found; at 16 businesses, wage discrimination was found but no penalty was imposed since the disparity was below the 5 per cent threshold of tolerance, that is, not statistically significant; while 3 businesses were required to make corrections because they exceeded the threshold of tolerance by a statistically significant amount.

127. In their public procurement practices, many cantons require compliance with labour protection provisions and stipulate wage parity. In 2011 and 2012, the canton of Bern set up a pilot project on the use of the Logib self-test software in its public procurement. At the conclusion of the project, spot checks continued to be performed on enterprises employing more than 50 people that had been awarded a public contract.

128. As an employer, the federal government considers the principle of equal pay for work of equal value to be fundamental. In 2010, the federal government and its staff associations agreed to participate for four years in the Dialogue on Wage Parity, while Logib wage analyses were performed throughout the administration

[100] www.logib.ch.

[101] http://www.ebg.admin.ch./themen/00008/00072/index.html?lang=fr.

from 2010 to 2013. The final report, released in October 2013, indicates that wage parity is respected inasmuch as the results achieved are below 5 per cent.[102]

129. In the 2011–2015 Legislature Plan, federal authorities set themselves the goal of advancing equal opportunity, in particular in the area of wages. Thus, FOGE was given additional resources to allow it to undertake more checks on wage parity in public procurement, develop new instruments and step up its work of information and continuous training. In 2013, FOJ and FOGE commissioned a study on the national mechanisms adopted to implement wage parity as well as a comparative law study on the instruments used by public authorities in fourteen States.[103] On the basis of these studies and the findings of the Dialogue on Wage Parity, the Federal Council on 22 October 2014 decided to take new government measures to combat wage discrimination. It proposes to oblige employers to regularly perform a wage analysis and have its implementation audited by third parties.[104]

Work/family balance

Current situation

130. FSO's new equality brochure notes that dual-career couples are very common, but that balancing work and family responsibilities satisfactorily is still not easy either for fathers or mothers.[105] The issue is one that has far-reaching consequences for both sexes. As women still bear primary responsibility for bringing up and looking after children, they are less able to be flexible in their careers. Conversely, men who would prefer to work part time so that they can devote more time to their family face significant resistance in the world of work. The limited career opportunities of a part-time job are still a reality today—for men and women alike.

131. Today's mothers are increasingly economically active: the economic activity rate of mothers with children under 15 has progressively converged with that of childless women (2013: 78 per cent for both; 1991: 60 per cent for the former and 71 per cent for the latter). But most of them hold part-time jobs, and those raising young children are slightly more apt to have shorter working hours. Single mothers are proportionately more likely to have careers than mothers with a partner, and most also have a higher employment rate. Men's way of adapting their employment situation to their family situation is different from women's. Those who have children under 15 are more likely to work full time than those who do not. However, the proportion of fathers working full time has fallen since 1991, with a corresponding rise in the number of fathers with work-time percentages of between 50 and 89 per cent.[106] As is made clear in FSO's report on the situation of families in Switzerland, mothers' schedules are less flexible and more irregular than fathers'.[107]

132. In households with children under 15, three out of four women do the bulk of the housework on their own. Common household management is practised by around a sixth of couples with children under 15—much less often than by childless couples. A well-defined change was seen in all couples between 1997 and 2013: sole

[102] http://www.epa.admin.ch/aktuell/news/00004/index.html?lang=fr&msg-id=50532.
[103] http://www.ejpd.admin.ch/content/ejpd/fr/home/dokumentation/mi/2013/2013-12-130.html.
[104] https://www.news.admin.ch/message/index.html?lang=fr&msg-id=54905.
[105] Brochure "On the Way to Equality", p. 15 et seq.
[106] Brochure "On the Way to Equality", pp. 16–17.
[107] Familien in der Schweiz. Statistischer Bericht 2008 71 et seq.

responsibility of the female partner for housework is giving way to shared responsibility.[108]

133. Mothers and fathers with children under 15 are often under great time pressure trying to balance their jobs, domestic and family workload. Although working and family roles are unequally divided in our society, the total amount of hours worked by men and women is by and large the same in comparable family situations. However, men spend more time on paid work while women engage in more unpaid activities. There has been essentially no change in that unequal division of labour since 1997. However, the time fathers devote to household and family tasks is increasing.[109]

134. It has lately been estimated that four fifths of all caregiving for children and adults in need of care is unpaid, and the very great majority of these working hours is devoted to children.[110] In a family household, looking after and caring for children, preparing meals and cleaning are the most time-consuming tasks. What is striking is that fathers with a partner participate mostly in looking after children. However, mothers spend a good deal more time than fathers looking after small children.[111]

135. 38 per cent of couples sharing a household and 54 per cent of single parents with children under 15 make use of extra-family childcare. Where the youngest child is under 7, the corresponding figures are 52 and 70 per cent. The children are entrusted primarily to relatives, such as grandparents, then to crèches and daycare centres; home-based care or family daycares are the third commonest option. The use of extra-family childcare has clearly increased over the last few years. Four out of ten households with at least one child under 15 made use of it in 2009, compared with three out of ten in 2001. The bulk of the increase is accounted for by greater use of centre-based care, such as crèches, canteens or out-of-school daycares.

136. In a 2014 report entitled "Key Data on Early Childhood Education and Care (ECEC) in Europe",[112] the European Union for the first time presented data on extra-family care of small children and pre-schoolers throughout Europe, including Switzerland. The Swiss figures were provided by the Conference of Cantonal Ministers of Education and the Conference of Cantonal Ministers of Social Affairs. The report compares the responsible organizations in the various countries (structures, areas of expertise, personnel, quality standards), participation and funding and teaching content.

Measures taken by the Confederation

137. In recent years, the unequal distribution of paid and unpaid caregiving work and its discriminatory consequences have been arousing attention. FOGE published a detailed study on the Swiss situation in 2010, complete with proposals for action

[108] Brochure "On the Way to Equality", pp. 17–18, Figure 17; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/Vereinbarkeit/02.html.

[109] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/Vereinbarkeit/04.html.

[110] FOGE: Anerkennung und Aufwertung der Care-Arbeit: Impulse aus Sicht der Gleichstellung, Bern 2010, pp. 7 et seq.

[111] Brochure "On the Way to Equality", pp. 20–21; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/06/blank/key/haus-und-familienarbeit/taetigkeiten.html.

[112] http://eacea.ec.europa.eu/education/eurydice/key_data_en.php.

in different policy areas to revalue and improve the recognition of paid and unpaid caregiving work.[113] A second study, published in 2012, analyses how the welfare state needs to adapt to ensure that caregivers receive social protection.[114]

138. Work/family balance, as well as the role the Confederation and the cantons must play to promote it, has given rise to lively political debates in recent years. During the referendum of 13 March 2013, introduction into the Constitution of an article on the promotion of work/family balance by the Confederation and the cantons was approved by 54.3 per cent of the electorate, but failed to gain the majority of the cantons that was also necessary. Hence, the Confederation still has little leeway in this area. The issue of work/family balance is, however, still a very topical one for the federal Parliament, where a large number of statements were made on the subject following the referendum.[115]

139. Various federal authorities have long been working, at several levels, on work/family balance issues. In recent years, FOGE has focused its financial aid on the promotion of framework conditions in the world of work that are conducive to such balance. The Teilzeitmann project ["The Part-Time Man"], which sensitizes men to part-time work, is a case in point.[116] Fachstelle UND, which receives a subsidy from the Confederation, advises the businesses and organizations wishing to improve the conditions on offer for work/family balance. FOGE joined with the equality offices of the cantons of Zurich, Lucerne and Bern and Fachstelle UND in publishing three booklets on the theme "Gemeinsam Regie führen" [Shoot Your Film as a Duo]: they offer couples and families concrete advice on how to organize their lives together.[117]

140. In 2009, SECO and the Federal Social Insurance Office (FSIO) have created a an online information platform presenting all measures and activities developed by the cantons and communes to municipalities to encourage work/family balance.[118] The goal is to simplify knowledge and experience transfers between the cantons and communes in these policy areas.

141. The Confederation continues to support the creation of extra-family daycare spaces for children under the Federal Law on Financial Support for Childcare:[119] since 2003, financial assistance has been provided for 45,682 new daycare spaces. That corresponds to 90 per cent of the estimated number of spaces available. Financial assistance has been given to family daycares for training and continuing training measures and to 21 projects aimed at coordinating and professionalizing the care provided. The Confederation also supports three of the childcare voucher projects. Since the shift from supply subsidies to individual allowances, subsidies are no longer paid to service providers but to families.

142. The Confederation's stimulus programme was up for reassessment in 2013.[120] The review looked at the long-term effects of financial assistance and its impact on

[113] Op. cit. (Fn. 111).

[114] Heidi Stutz/Caroline Knupfer, Absicherung unbezahlter Care-Arbeit von Frauen und Männern. Study commissioned by FOGE, 2012.

[115] http://www.parlament.ch/f/suche/Pages/curia-vista.aspx.

[116] www.teilzeitmann.ch.

[117] http://www.realisez-votre-film-a-deux.ch.

[118] http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr.

[119] http://www.bsv.admin.ch/praxis/kinderbetreuung/01153/index.html?lang=fr.

[120] Ecoplan (2013). "Anstossfinanzierung" evaluation, research report No. 15/13, Bern. Detailed

work/family balance, which it found to be very considerable. Still, the goal of work/family balance was also found to have been achieved: the great majority of the parents interviewed thought that the care facilities available were conducive or highly conducive to that goal. The time freed up by institutional childcare was mainly used for gainful employment or training.

143. While the Confederation's stimulus programme has been a great success, demand for daycare spaces remains strong. For that reason, Parliament in September 2014 accepted a parliamentary initiative requesting a four-year extension to the Federal Law on Financial Support for Childcare, which had been set to expire on 31 January 2015.

144. On 30 October 2013 the Federal Council adopted a progress report setting out various paternity or parental leave models to be incorporated in the Act. But, because it gives priority to other work/family balance measures, including the creation of childcare facilities that meet families' needs and encourage family-friendly working conditions, the Federal Council decided not to ask Parliament to enshrine paternity or parental leave in the Act. It did however ask FDHA to consider enshrining in federal law a standard that would give workers the right to reduce their hours of work after the birth of a child.[121]

145. FSO does not have up-to-date information on extra-family childcare for the whole of Switzerland, but has undertaken to begin developing statistics on it using the findings of a feasibility study.

146. Various measures have been taken within the federal government to encourage work/family balance. Since June 2010, all full-time vacancies have been required, if possible, to be advertised with a work-time percentage between 80 and 100 per cent. Moreover, part-time work and job sharing are now part of the Federal Personnel Ordinance. Female and male employees alike receive an extra-family childcare allowance.[122] Every year, the Confederation spends CHF 6.5 million on support for extra-family childcare facilities. Since 1 July 2013, both parents have had the right to reduce their work-time percentage by no more than 20 per cent, and to no less than 60 per cent, upon the birth or adoption of a child. Paternity leave has been increased from five to ten days. And administrative units are encouraged to give favourable consideration to requests for extension of paternity leave through leave without pay, subject to operational requirements.[123]

Measures taken by the cantons and communes

147. Many cantons and communes have taken steps in recent years to improve framework childcare conditions. In 11 of the 26 Swiss cantons, enhancement of work/family balance is an objective enshrined in the Constitution, while 17 cantons have adopted a work/family balance policy.[124] At its 2011 annual general meeting,

presentation: Soziale Sicherheit CHSS 1/2014.

[121] http://www.bsv.admin.h&c/themen/zulagen/00061/03295/index.html?lang=de.

[122] Art. 75 and 75(a) of the Federal Personnel Ordinance, SR 172.220.111.3; art. 51 of the FDF ordinance on the Federal Personnel Ordinance, SR 172.220.111.31.

[123] Art. 40, para. 3(b) of the FDF ordinance on the Federal Personnel Ordinance: Granting of additional unpaid paternity leave. Vocational and Professional Education and Training Ordinance (VPETO) recommendations.

[124] www.berufundfamilie.ch;
http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr.

the Conference of Cantonal Ministers of Social Affairs (SODK) adopted recommendations for the cantons on extra-family care for small children; these were inspired in particular by a report commissioned by SODK based on data from the Confederation's information platform, updated in early 2013.[125] The available data are still incomplete in a number of cantons, in particular as regards family daycares. Some cantons or cities are conducting surveys to assess the demand for daycare spaces. Most cantons offer assistance for the establishment of crèches in the form of information, coordination and consulting activities; all have quality standards. Crèches and family daycares are financed mainly by parents' contributions. Fifteen cantons provide partial funding for crèches and all but one for family daycares. As of 2013, all cantons were also allowing a tax deduction for childcare costs, the amount of which is very variable.[126] The great majority of the cantons have also incorporated the principle of block scheduling for compulsory schooling in their legislation or Constitution.[127]

148. The cantons of Vaud, Neuchâtel and Fribourg have laws on extra-family childcare that oblige employers to contribute, with the State and individuals, to the financing of a cantonal fund for the creation of daycare spaces. The city of Lucerne has also introduced an innovation: replacement of object funding by subject funding. At the end of the pilot phase (2009–2012), following a positive vote of the electorate, the daycare voucher system was finally introduced in 2013.[128] During the pilot, the project received CHF 3.3 million in financial assistance from the Confederation.

Social security

149. On 19 November 2014 the Federal Council adopted the draft pension scheme reform for 2020. In particular, the reform proposes to harmonize the reference retirement age for women and men at 65 years for the first and second pillars. The change from age 64 to 65 for women will help to improve their occupational pension benefits (BVG). The anticipated more flexible conditions for early retirement will also benefit women in particular: low- to medium-income individuals (up to CHF 50,000 per year) will be able under certain conditions to take early retirement with an unreduced or less reduced pension. The same holds for the removal of the coordination deduction from occupational pension, which improves access for low-income employees working part-time or for several employers.[129]

150. In a 2012 analysis of the effects of maternity insurance,[130] FSIO found that most female employees had maternity leave with pay before the introduction of compulsory maternity insurance. Compulsory maternity insurance is nonetheless important, as it recognizes the loss of earnings due to maternity and guarantees women proper social protection during that time; and its introduction has also enabled a minimum standard to be established. No causal link can be established between the increase in women's activity rate and the maternity allowance. Other

[125] Andrea Schultheiss/Susanne Stern (INFRAS), Familienergänzende Kinderbetreuung im Frühbereich, Stand in den Kantonen 2012, May 2013.

[126] Op. cit., p. 46 et seq.

[127] Op. cit., p. 32.

[128] http://www.stadtluzern.ch/de/onlinemain/dienstleistungen/?dienst_id=16190.

[129] http://www.bsv.admin.ch/altersvorsorge_2020/index.html?lang=fr.

[130] http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=fr.

factors influence young mothers' labour market activity, such as the changing vision of women's roles, financial reasons, a wish to find fulfilment in work, and labour market demand. The FSIO analysis shows that maternity insurance is well accepted and is now a core element of the Swiss social protection system.

151. On 4 June 2014 Switzerland ratified ILO Convention No. 183, the Maternity Protection Convention. The corresponding revision of Ordinance 1 under the Labour Act (ArGV 1) came into force in June 2014.

152. In a ruling dated 15 September 2014, the Federal Supreme Court defended the non-discriminatory character of the limitation to women only of the right to an earnings loss allowance during maternity, and dismissed the appeal of a father who was seeking an allowance for his loss of earnings during paternity leave after the birth of his child. According to the Federal Supreme Court's case law, different treatment of women and men does not contravene the principle of equal treatment insofar as it is based on biological or functional differences. And the fourteen-week maternity leave is exclusively for the mother's protection.[131]

153. With respect to unemployment insurance, the directives on fitness for work and confirmation of daycare were revised in July 2012 to reduce the risk of discrimination against unemployed women with children requiring care.

154. To improve social protection for unpaid caregiving, FOGE commissioned a study, published in 2012, which analyses the shortcomings in the Swiss social insurance system and outlines opportunities for reform. The study proposes a reorientation of the welfare State with the underlying purpose of enabling everyone, through effective work/life balance, to stay connected to working life and so maintain their chance of secure income and social protection.[132]

Art. 12 Health

155. The gender-disaggregated figures in the 2012 health statistics and the findings of the 2012 Swiss Health Survey (SGB) point to persistent gender differences in such health determinants as diet, tobacco and alcohol use, and health status and risks in Switzerland.[133] Scientific studies and the monitoring exercise on the migrant population's state of health carried out by the Federal Office of Public Health (FOPH) in 2010[134] confirm that relative to native-born Swiss, the state of health of migrants in Switzerland is not as good in several respects. Among migrants, women have health problems more often than men.

156. The interim CEDAW report already contained detailed information on the measures taken by FOPH in the area of migration and health. An assessment of the 2008–2013 National Programme on Migration and Health confirms that it has made a valuable contribution in the field of health, in particular with respect to equal opportunity and protection from discrimination. The new (2014–2017) National

[131] Federal Supreme Court decision 9C_810/2013.

[132] Heidi Stutz/Caroline Knupfer, Absicherung unbezahlter Care-Arbeit von Frauen und Männern. Study commissioned by FOGE, Bern 2012.

[133] http://www.bfs.admin.ch/bfs/portal/fr/index/news/publikationen.html?publicationID=5028. http://www.bfs.admin.ch/bfs/portal/fr/index/news/publikationen.html?publicationID=5493.

[134] http://www.bag.admin.ch/themen/gesundheitspolitik/07685/12533/13720/index.html?lang=fr.

Programme on Migration and Health is intended to build on the measures already taken and link them more closely to the national integration policy.[135]

157. Special attention has been paid to foreign women's reproductive health. A study of the specialized literature has shown that foreign women in Switzerland are generally speaking in less good physical and psychological condition than Swiss women. Among the risk factors are lower socioeconomic status, social context, possible injuries and sociocultural elements of their way of life.[136] Some of the measures taken under FOPH's National Migration and Health Programme are helping to improve the migrant population's reproductive health.

158. Moreover, the Federal Council was asked by Parliament, in 2012, to submit a report on maternal and child health in Switzerland, specifically addressing migration factors. The report was to look into causes and develop concrete recommendations on how to improve the situation of disadvantaged mothers and children and therefore the whole community. After the report is issued, concrete measures will be taken to improve the reproductive health of the migrant population.

159. The popular initiative "Paying for an Abortion is a Private Matter", submitted to the people on 9 February 2014, asked for the cost of abortions to no longer be subsidized by compulsory health insurance. It was rejected by a large majority—a 70 per cent no vote.

Art. 13 Other areas of economic and social life

Equality and poverty

160. The poverty rate of the permanent resident population in private households in Switzerland was 7.7 per cent in 2012.[137] Women are more likely to be poor than men. Particularly at risk are single parents, persons living alone, those with compulsory schooling at most, the unemployed and economically inactive as well as persons living in households with low labour market participation. Relative to 2008, the incidence of poverty in Switzerland is falling (2008: 9.1 per cent; 2012: 7.7 per cent).[138] As shown in detail by FSO's latest poverty analyses, gender is one factor to be taken into account in studies of poverty and the risk of poverty. In Switzerland, there are proportionately fewer women with advanced diplomas but more are part-time workers; moreover, they take on more unpaid family and assistance duties than men do.[139]

161. In 2012, the social assistance rate in Switzerland stood at 3.1 per cent. Women have a specific risk factor: a lack of gainful employment or underemployment on account of their family obligations. Compared to men, women are less often able to get off social assistance by improving their employment status. There again, single parents—mainly women—are at a particularly high risk of relying on social

[135] http://www.bag.admin.ch/themen/gesundheitspolitik/07685/07688/14002/index.html?lang=fr.

[136] Study of the specialized literature by Merten et al. 2013.

[137] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/03/blank/key/07/01.html.

[138] http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/ind43.indicator.43003.430101.html.

[139] FSO, Poverty in Switzerland: Concepts, Results and Methods. Neuchâtel, 2012, p. 15; FSO, Poverty in Switzerland: Results from 2007 to 2011. Neuchâtel, 2013; FSO, Poverty Despite Gainful Activity: Results from 2007 to 2011. Neuchâtel, 2013.

assistance. [140] The reasons are the same as those that explain their overrepresentation among poor households: higher expenses caused by children and separation, combined with their limited chance of having gainful employment because of their child-rearing obligations.

162. On 25 June 2010, SODK adopted recommendations for the cantons on the implementation of complementary benefits for families. These currently exist in four cantons: Ticino, Solothurn, Vaud and Geneva. [141]

163. Given the ever-higher divorce rate, an increasing number of children are growing up in single-parent families, which are particularly affected by poverty. In particular, women raising several children on their own often have very limited financial resources. An advance on alimony is essential to keep these families afloat: it is estimated that one in five single parent households is obliged to rely on such advances. As the cantons' advance payment systems are all quite different, SODK members in 2013 adopted a set of recommendations on how alimony advances should be made.

Art. 14 Rural women

164. In its annual agricultural report for 2012, the Federal Office for Agriculture (FOAG) published a study on women in the agricultural sector. [142] This representative survey was conducted ten years after the first study on the topic. Women have played and are still playing an important role in the—highly diverse—primary sector. The survey confirms what was known and points up new aspects and changes. Thus, women's employment in agriculture has increased over the last ten years, while their roles as mother and homemaker remain crucial. On farms, more and more women with independent worker status are taking on direct sales or agrotourism duties. Close to half of them have off-farm gainful employment.

165. Moreover, the study shows that the great majority of women living on farms are married. Most describe themselves as co-owners and joint holders because of their financial commitment to the operation, but only in a minority of cases is the assertion backed up by a land register entry. Moreover, few women can prove that they have invested their own money in the operation, for example by producing loan contracts. In the event of divorce, that can have unfortunate consequences for the women concerned. About 80 per cent of women obtain some social protection by working off farm, by managing one aspect of the farm, or by receiving a salary for the farm work they do. That social protection is generally modest.

166. Based on this survey and at the request of Parliament, the Federal Council will present a report in 2015 a report focusing on women's economic, social and legal status in the agricultural sector and possibly demonstrating a need for action.

Art. 15 Equality before the law

167. Formal equality of men and women before the law is guaranteed in Switzerland, with rare exceptions (e.g. retirement age; cf. n. 149 above).

---

[140] Brochure "On the Way to Equality", p. 29; http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/ind43.indicator.43005.430101.html.

[141] http://skos.ch/uploads/media/2014_FamEL_Stand_Gesamt%c3%bcbersichtKantone_f_03.pdf.

[142] http://www.blw.admin.ch/dokumentation/00018/00498/index.html?lang=fr. Excerpt from the Agricultural Report 2012, p. 15: http://www.blw.admin.ch/femme.

Art. 16 Issues arising from marriage and family relationships

Changing family forms

168. The annual number of marriages is declining. In 2013, 39,800 couples got married, vs 42,700 the previous year (down by 6.7 per cent).[143] The same year, a little less than 700 couples opted for a registered partnership, about the same number as the previous year. The great majority (67 per cent) were male same-sex partnerships.[144]

169. As a consequence of the use of a new data source, the number of divorces, which was 22,100 in 2010, has since 2011 fallen to between 17,600 (2011) and 17,100 (2013). That new data source indicates that the tendency observed since 2011 should continue, with upwards of four marriages in ten (41.9 per cent) ending in divorce.

170. The statistics show that family forms are evolving. The traditional model—one partner working full time and one economically inactive—is constantly losing ground. In twenty years, it fell from 61 to 29 per cent among couples with children under 7. Conversely, the model in which both partners are employed full time is stable, but up slightly among couples with children under 7.[145]

Reform of naming law and withdrawal of the reservation

171. Switzerland had entered a reservation regarding CEDAW article 16(2)(*g*), since Swiss legislation was not in accordance with the principle of equal rights in the choice of family name contained in that provision of the Convention. The relevant provisions of the Swiss Civil Code were changed under an amendment that entered into force in 2013, thus enabling the Federal Council to notify the withdrawal of its reservation on 20 September 2013. The new provisions concretize spouses' equality in naming and in cantonal and communal rights of citizenship. In principle, marriage no longer has any effect of spouses' names or rights of citizenship. Each spouse keeps his or her name and citizenship rights. Upon their marriage, however, the future spouses may declare that they wish to take the original surname of the wife or the husband as their common surname. The same possibility is available to same-sex couples who register their partnership.

172. The only remaining reservation of Switzerland concerns the matrimonial property regime (cf. CEDAW art. 15, para. 2 and art. 16, para. 1(*h*)). Although that reservation concerns only a small and dwindling number of marriages dating from before 1988, it is being temporarily maintained because the legal situation has not changed.

New features relative to the consequences of divorce

173. The political debate on marriage and family law has focused in recent years on the legal and economic consequences of divorce. The effect of the amendments that came into force on 1 July 2014 is to make joint parental authority the rule, irrespective of the parents' civil status, in order to achieve equality between the sexes. If one of the parents wishes to change his or her domicile, the other parent's

[143] http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/06/blank/key/05.html.
[144] http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/06/blank/key/07.html.
[145] Brochure "On the Way to Equality", pp. 18–19;
http://www.bfs.admin.ch/bfs/portal/fr/index/themen/20/05/blank/key/Vereinbarkeit/03.html.

consent is not required, provided the change does not seriously impair the exercise of joint parental authority.

174. An upcoming review will focus on the right of maintenance. New regulations on child maintenance are under discussion in Parliament. The Federal Council's proposal would have the effect of enhancing the child's right to maintenance, regardless of the parents' marital status.[146] Henceforth, child support costs borne by the parent having custody will be taken into account in the calculation of the child maintenance contribution. That had heretofore been impossible for the children of unmarried parents—a source of discrimination that has now been eliminated. Moreover, the child's maintenance right will take precedence over the claims of all other right holders. As social assistance is not within the Confederation's purview, the Federal Council decided not to include deficit sharing in its proposal, thus leaving an important issue unresolved: in the event of financial difficulties, the shortfall (deficit) in the amount of child maintenance is entirely for the account of the parent having custody. That is generally the mother, who must then apply for social assistance. As long as Parliament adheres to the Federal Council's proposal, equality between women and men in the event of divorce is still not fully achieved.

175. With the particular goal of improving the situation of divorced women who have assumed tasks of upbringing and assistance during the marriage and whose occupational pension is, for that reason, insufficient, an amendment is planned to the regulations (in force) on pension splitting in the event of divorce. Claims on occupational pension institutions can now be shared, even if one of the spouses is already in receipt of a pension. In such a case, the existing legislation calls for pension splitting to be replaced by a fair allowance, often in the form of a maintenance annuity. That poses a problem should the payer of the annuity die: the maintenance annuity lapses and, because some provident institutions limit the survivors' annuity payable to divorced persons to the legal minimum, the latter is far less than the maintenance annuity. This is known as the 'divorced widows' problem, as most of those concerned are women. To resolve the issue, the proposed amendment contains an important new feature: the creditor spouse will have a life claim to a share of the annuity paid by the former spouse. The amendment is currently under discussion in Parliament. If adopted, it should come into effect in 2016.

[146] www.bj.admin.ch/content/bj/fr/home/dokumentation/medieninformationen/2013/ref_2013-11-291.html.

Abbreviations

approx.	approximately
art.	article
BBI	Federal Gazette of the Swiss Confederation
BFM	Federal Office for Migration
BGE	Decisions of the Federal Supreme Court of Switzerland (official compilation)
BPV	Federal Personnel Ordinance
BV	Federal Constitution of the Swiss Confederation
CC	Swiss Civil Code
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
cf.	compare
chap.	Chapter
CHF	Swiss francs
DI	disability insurance
e.g.	for example
EAER	Federal Department of Economic Affairs, Education and Research
ECHR	European Convention on Human Rights
EFTA	European Free Trade Association
EKF	Federal Commission for Women's Issues
ETH	Federal Institute of Technology
EU	European Union
FBED	Bureau for Equality of People with Disabilities
FDFA	Federal Department of Foreign Affairs
FDHA	Federal Department of Home Affairs
FDJP	Federal Department of Justice and Police
FGM	female genital mutilation
fig.	figure
FNA	Federal Act on Foreign Nationals
FOGE	Federal Office for Gender Equality
FOPH	Federal Office of Public Health
FPA	Federal Personnel Act
FSIO	Federal Social Insurance Office
FSO	Federal Statistical Office

FTE	full-time equivalent
GEA	Gender Equality Act
i.e.	that is
IOM	International Organization for Migration
KSMM	Coordination Unit against the Trafficking of Persons and Smuggling of Migrants
let.	letter
M	million
n.	note
NGO	non-governmental organization
No.	number
NRP	national research programme
OASI	old age and survivors' insurance
OECD	Organisation for Economic Co-operation and Development
OHS	victim assistance statistics
p., pp.	page(s)
para.	paragraph
PCS	Police Crime Statistics
PPA	Public Procurement Act
PPO	Public Procurement Ordinance
pt	point (in BGE)
pub.	publisher
SCHR	Swiss Centre of Expertise in Human Rights
SDC	Swiss Development and Cooperation
SECO	State Secretariat for Economic Affairs
seq., et seq.	and following
SERI	State Secretariat for Education, Research and Innovation
SFPC	Swiss Federal Procurement Conference
SKG	Swiss Conference of Gender Equality Delegates
SNF	Swiss National Science Foundation
SR	federal statutes compilation
StGB	Swiss Criminal Code
UN	United Nations
UPR	universal periodic review